

FORM PTO-1390
(REV 10-94)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

09997.0112USWO

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

Unknown

10/517573

INTERNATIONAL APPLICATION NO.

PCT/BE2003/000113

INTERNATIONAL FILING DATE

June 26, 2003

PRIORITY DATE CLAIMED

June 28, 2002

TITLE OF INVENTION

GUIDING MEMBER FOR SURGICAL INSTRUMENTS, SURGICAL INSTRUMENTS, COUPLING AND USES THEREOF

APPLICANT(S) FOR DO/EO/US

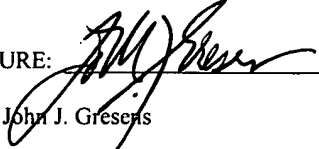
BOGAERTS et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☒ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
☐ A SECOND of SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Application Data Sheet (3 pages), Form 1449 (5 references), PCT Request, Form PCT/ISA/210, Form PCT/IB/308, Form PCT/IPEA/401, 29 sheets of formal drawings, COMMUNICATION REGARDING PUBLICATION

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) Unknown 10/517573		INTERNATIONAL APPLICATION NO. PCT/BE2003/000113		ATTORNEY'S DOCKET NUMBER 09997.0112USWO	
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a) (1)-(5)): Search Report has been prepared by the EPO or JPO..... \$950.00 International preliminary examination fee paid to USPTO (37 CFR 1.492(a)(1)) \$750.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$790.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(3)) paid to USPTO..... \$1100.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)..... \$100.00				CALCULATIONS PTO USE ONLY	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$950.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	23	-20 = 3	X \$18.00	\$54.00	
Independent claims	2	-3 = 0	X \$88.00	\$0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$300.00	\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$1004.00	
Reduction by 1/2 for filing by small entity, if applicable. Small entity status is claimed pursuant to 37 CFR 1.27				\$502.00	
SUBTOTAL =				\$502.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+ \$0.00	
TOTAL NATIONAL FEE =				\$502.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+ \$0.00	
TOTAL FEES ENCLOSED =				\$502.00	
				Amount to be:	
				refunded	\$0.00
				charged	\$0.00
a. <input checked="" type="checkbox"/> Check(s) in the amount of <u>\$502.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>13-2725</u> .					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: John J. Gresens MERCHANT & GOULD P.O. Box 2903 Minneapolis, MN 55402-0903					
				SIGNATURE:  NAME: John J. Gresens REGISTRATION NUMBER: 33,112	

S/N Unknown

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BOGAERTS et al. Filed: concurrent herewith
Serial No.: Unknown Docket No.: 09997.0112USWO
Title: GUIDING MEMBER FOR SURGICAL INSTRUMENTS, SURGICAL
INSTRUMENTS, COUPLING AND USES THEREOF

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 407258237 US
Date of Deposit: December 9, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name: David Ortiz

COMMUNICATION REGARDING PUBLICATION

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In connection with the above-identified application, applicant respectfully requests that Figure 14 be printed on the front page of the published application.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, John J. Gresens (Reg. No. 33,112), at (612) 371.5265.

Respectfully submitted,



MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: December 9, 2004

JJG/acp

By: 

John J. Gresens
Reg. No. 33,112